

REMARKS

In response to the above-identified Office Action Applicant has again amended each of the independent claims, and it is believed that such claims are now patentably distinct over the cited references. Particularly, independent Claim 1 now pertains to a polarized light beam which is split by an optical system into separate beams having different polarized states, wherein those beams are then focused, on different positions spaced from one another, or a relatively moving object. When the separate beams are reflected by the relatively moving object they are again matched by the light beam splitting optical system.

The principal rejection reference, namely Applicant's earlier patent, U.S. Patent No. 5,067,813 discloses an optical encoder which projects a laser beam on a point symmetry position of a ring type scale and measures a moving amount using a reflected beam. However, in the reference, the beam is not split into a plurality of light beams which are then focused at different positions, so that they are spatially separated, on a relatively moving object, and reflected light beams are not matched again. For these reasons it is believed that the Ishizuka patent is deficient as a rejecting reference, and Applicant notes that the secondary reference, the cited Best patent, does not overcome these deficiencies of the cited Ishizuka patent. Accordingly, it is submitted that amended Claim 1 is now allowable.

Similarly, independent Claims 10-15 have each been amended so that they are allowable for the identical reasons discussed above with respect to Claim 1.

The claims were also objected to on the ground that the phrases "close to one another" and "optical anisotropy" were informal. By means of the above-identified Amendment, however, "close to one another" has been changed to read "which are spatially separated from one another" as referred to in the specification at page 7, lines 8-15; and, the phrase "optical anisotropy" has been deleted.

In summary, all of Claims 1-15 are now allowable and the issuance of a formal Notice of Allowance is solicited.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant
John A. Krause
Registration No. 24,613

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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